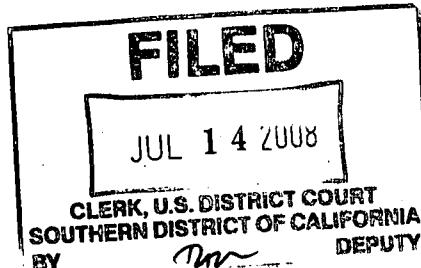


*MSH*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
Jorge HERNANDEZ-Guerrero, )  
Defendant. )

Mag. Case No.

**'08 MJ 8640**

COMPLAINT FOR VIOLATION OF  
Title 8, U.S.C., Section 1326  
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about July 12, 2008, within the Southern District of California, defendant Jorge HERNANDEZ-Guerrero, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*[Signature]*  
\_\_\_\_\_  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14<sup>th</sup> DAY OF JULY 2008.

*[Signature]*  
\_\_\_\_\_  
Peter C. Lewis  
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

## PROBABLE CAUSE STATEMENT

The complainant states this complaint is based upon investigative reports that the Defendant, Jorge HERNANDEZ-Guerrero a citizen of Mexico, was found and arrested on July 12, 2008, near Calexico, California.

Border Patrol Agents encountered Jorge HERNANDEZ-Guerrero after he had crossed the International Boundary with Mexico into the United States. HERNANDEZ was arrested for being illegally present in the United States.

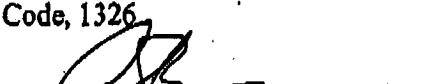
An investigation of records through the Bureau of Citizenship and Immigration Services revealed HERNANDEZ was previously removed from the United States on or about April 29, 2006. A further records check revealed HERNANDEZ has an serious criminal and immigration history.

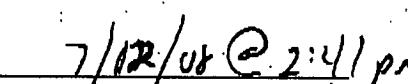
HERNANDEZ was found in the United States without having sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Executed on July 12, 2008, at 12:45 P.M.

  
Michael Mikuski  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on July 12, 2008 in violation of Title 8, United States Code, 1326.

  
Honorable Cathy A. Bencivengo.  
United States Magistrate Judge

  
7/12/08 @ 2:41 pm  
Date/Time